

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MAURICE PARRISH,

Petitioner.

v.

CIVIL ACTION NO. 5:21-cv-000426

D.L. YOUNG, WARDEN,
FCI Beckley,

Respondent.

ORDER

Pending is Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, filed July 30, 2021. [Doc. 1]. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley issued an Order and Notice denying Petitioner's Application to Proceed Without Prepayment of Fees and Costs on July 27, 2021. [Doc. 6]. Petitioner paid the filing fee. Magistrate Judge Tinsley filed his PF&R on December 14, 2021. Magistrate Judge Tinsley recommended that the Court deny the Petition for Writ of Habeas Corpus and remove the matter from the Court's docket. [Doc. 8].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*") (emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's

right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Mr. Parrish filed a motion for extension of time to file objections. [Doc. 9]. The Court granted the motion, extending the objection deadline to March 18, 2022. [Doc. 10]. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [Doc. 8], **DISMISSES** the Petition for Writ of Habeas Corpus [Doc. 1], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: March 30, 2022




Frank W. Volk
United States District Judge